

# TELEMARKETING

*The National Do Not Call Registry*

Just about everyone who owns a telephone has received calls promoting products, services, investment opportunities, or contests. Although most telephone offers are legitimate, telemarketing fraud cost consumers billions of dollars a year. Federal and State rules and common sense can protect you from telephone scams and overly intrusive sales calls.

Under FTC rules, telemarketers may call only between 8 am and 9 pm. They must tell you immediately who they are and what they are selling, before they make their pitch. You can stop unwanted calls from telemarketers by telling them not to call back. If they do, they are breaking the law.

Before you pay anything, a telemarketer must tell you the total cost of the products or services offered and any restrictions on getting or using them, and whether a sale is final or nonrefundable. A telemarketer may never withdraw money from your checking account or credit card without your express, verifiable authorization (i.e. signed contract). It is also illegal for telemarketers to misrepresent information about whatever they are selling, including prize-promotion schemes.

Telephone scam artists may cold-call individuals listed in a directory or on a mailing list. In more elaborate schemes, advertisements or direct mail pieces invite you to call a certain phone number to claim a prize or to make a purchase. Be skeptical of any deal that sounds too good to be true, and make sure sellers are trustworthy before you hand them your money.

## **Here are some ways to avoid being victimized by telephone fraud:**

- Resist high-pressure sales tactics. Legitimate businesses respect the fact that you are not interested.
- Do not send money (cash, check, or money order) to anyone who insists on immediate payment.
- Keep information about your bank accounts and credit cards to yourself unless you know with whom you are dealing.
- Hang up if you are asked to pay for a prize. **Free is Free.**

SOUTH DAKOTA OFFICE OF ATTORNEY GENERAL

**CONSUMER  
PROTECTION**

1302 E Hwy 14 Ste 3 • Pierre SD 57501   [consumerhelp@state.sd.us](mailto:consumerhelp@state.sd.us)

**1-800-300-1986**

This handout is for informational purposes and should not be construed as legal advice or as a policy of the South Dakota Attorney General. If you need advice on a particular issue, you should consult a private attorney or other experts.

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- Take your time. Ask for written information about the product, services, investment opportunity, or charity that is the subject of the call.
- Before you respond to a phone solicitation, talk to a friend, family member, financial advisor or Consumer Protection.

Your financial investments may have unexpected consequences for people you care about. You can fight telephone fraud by reporting scam artists to the South Dakota Attorney General's Office, Division of Consumer Protection at 1-800-300-1986 or 605-773-4400.

You can also contact the National Fraud Information Center (NFIC) at 1-800-876-7060. NFIC is a private nonprofit organization that operates a consumer hotline to provide services and assistance in filing complaints. NFIC also forwards appropriate complaints to the FTC for entry on its telemarketing fraud database.

## **THE NATIONAL DO NOT CALL REGISTRY**

The National Do Not Call Registry puts you in charge of the telemarketing calls you get at home. The Federal government created the national registry to make it easier and more efficient for you to stop getting telemarketing calls you do not want. You can register your home and/or mobile phone number online at the National Do Not Call Registry ([www.donotcall.gov](http://www.donotcall.gov)), or call toll-free 1-888-382-1222 (TTY 1-866-290-4236). You must call from the number you wish to register. Registration is free and is effective for life. Placing your number(s) on the registry will stop most, but not all, telemarketing calls. You can check the above website to verify that your number is on the registry or you can call the registry's toll-free number and follow the prompts to verify that your number is on the registry.

If you do not want to put your number on the National Do Not Call Registry, you can still prohibit individual telemarketers from calling by asking them to put you on their own do not call list.

### **The National Do Not Call Registry does not block calls from the following sources:**

- Political organizations.
- Charities (If a charity or a third-party telemarketer is calling on behalf of a specific charity, you can ask not to receive any more calls from, or on behalf of, that specific charity).
- Telephone surveys.
- Companies with which you have an existing business relationship. (Once you purchase something from a company, that company may call you for up to 18 months after your last purchase or delivery from it, or your last payment to it, unless you ask the company not to call again. In that case, the company must honor your request not to call. Similarly, if you make an inquiry to the company, or submit an application to it, the company can call you for 3 months after the inquiry or application. If you make a specific request to that company not to call you, then the company may not call you, even if you have an established business).

- Companies to whom you have provided express agreement in writing to receive their calls. (If there are some telemarketing calls you do not mind receiving, you can give a company written permission to call you. If you do, they may do so even if you have placed your number on the National Do Not Call Registry).

### **Filing a Do Not Call Complaint**

If your number has been on the Registry for at least thirty-one (31) days and you receive a call from a telemarketer that you believe is covered by the Registry, you can file a complaint with the National Do Not Call Registry, or by calling the registry's toll-free number at 1-888-382-1222 (for TTY, call 1-866-290-4236). To file a complaint, you must know either the name or telephone number of the company that called you, and the date the company called you.